

DETAILED ACTION

Response to Arguments

Applicant's arguments, see amendment, filed 6/22/2009, with respect to the rejection(s) of claim(s) 1-20, 26-27 and 30-48 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

Double Patenting

After further review, it has been determined that the double patenting rejection was made in error and therefore has been withdrawn.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

This application is in condition for allowance except for the presence of claims 21-25, 28, and 29 directed to an invention non-elected without traverse. Accordingly, claims 21-25, 28, and 29 have been cancelled.

Allowable Subject Matter

Claims 1-20, 26-27 and 30-48 are allowed.

The following is an examiner's statement of reasons for allowance: Claim 1 claims a container for receiving an aqueous solution, which comprises at least one area which acts as an electrode when an electric voltage is applied and a subsequent discharge occurs, wherein said at least one electrode is made of a conductive synthetic material which is, or is at least based on a plastic material which is doped with at least one conductive substance, wherein an overall concentration of said dope in said plastic material is 20- 80 % w/w, and wherein the container is

for electroporation or electrofusion of cells, derivatives of cells, subcellular particles and/or vesicles and is, at least partially, formed by an outer limit which forms an inner chamber for receiving said solution.

The closest prior art is represented by Palermo who discloses a electrofusion microelectrode comprising a tube encasing a conductive filament (electrode) which may comprise any known conductor such as metal, metal alloy or mixtures of metal and therefore teaches away from the instant claim which requires an electrode made of a conductive synthetic material doped with a conductive substance. Palermo also fails to disclose wherein the inner space of the tube is designed to receive a solution or cell suspension further more teaching away from the instant claim wherein the container is for electroporation or electrofusion of cells, derivatives of cells, subcellular particles and/or vesicles and is, at least partially formed by an outer limit which forms an inner chamber for receiving said solution. Claims 2-20, 26-27 and 30-48 depend on theses distinctive feature.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LYDIA EDWARDS whose telephone number is (571)270-3242. The examiner can normally be reached on Mon-Thur 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Griffin can be reached on 571.272.1447. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LYDIA EDWARDS/
Examiner
Art Unit 1797

LE

/Walter D. Griffin/
Supervisory Patent Examiner, Art Unit 1797